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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO: 18044/1992

BETWEEN :

Sri. Murugeshan,
S/o Palani Swamy,
Residing in Ilkal,
Bijapur District.

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....Petitioner

(By Sri. K.B. Shivakumar, Advocate)

AND :

1. The State of Karnataka,
by its Secretary,
Revenue Department,
Vidhana Soudha,
Bangalore.

2. The Deputy Commissioner
Raichur District,
Raichur.

3. The Tahsildar,
Yelburga Taluk,
Yelburga,
Raichur Dist.

...Respondents

(By Sri. T.P. Nambiar, Addl. Govt.
Advocate)

This writ petition is filed under Articles
226 and 227 of the Constitution of India, praying
to direct the respondents not to interfere with

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....Contd'...

the petitioner's right to excavate etc., granite found in his patta land in accordance with Sec. 38 of KLR Code 1888 and Sec. 70 of KLR Act.

This writ petition coming on for hearing this day, the Court made the following:

O R D E R

In a similar circumstances with respect to the quarrying of minerals from the lands situated in Hyderabad area, a Division Bench of this Court in W.P.No. 25507/94 passed the following order:

" The petitioner in this case claims to be a owner of a patta land and that thereby he is entitled to carry on quarrying activity in the said land. The question came up for consideration before this Court in STATE OF KARNATAKA Vs. D.M. SHETTY ILR 1993(3) KARNATAKA 2605. However, while deciding the matter this Court considered only the case of patta land owners coming within the old Mysore area and old Madras area and not in respect of those coming within the

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old Bombay and old Hyderabad area. The question in relation to the rights of the alleged patta holders of those areas was left open. It is unnecessary for us to examine various contentions urged in this petition. It would be appropriate for the petitioner to file an application as contemplated under the Karnataka Minor Mineral Concession Rules, 1994 and if such an application is filed within two months from today let the concerned authorities consider the same and decide the same, including the question raised in this petition as to their right to quarry in the lands and also for grant of licence under the relevant Rules.

Status-quo to continue till the applications filed by the petitioners are disposed of. "

2. I do not think that the question raised in this writ petition is any different. As directed in the judgment, it is sufficient

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if the petitioner is directed to file an application as contemplated under the Karnataka Minor Mineral Concession Rules 1994. If such an application is filed within a period of two months from today, the concerned authorities may consider and dispose of the same including the question raised as to the right of quarrying and grant of licence.

3. Status-quo as on today shall continue till the disposal of the application made by the petitioner. Writ petition disposed of as above.

Sd/-
JUDGE



ksp/-